

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**IN RE:**

**TRIUMPH DOMS, LLC**

**Debtor.**

§  
§  
§  
§  
§  
§

**Case No. 22-80084**

**(Chapter 7)**

**TRUSTEE’S OBJECTION TO MOTION FOR RETROACTIVE RELIEF  
FROM THE STAY REGARDING REAL PROPERTY  
LOCATED AT 201 LAS BRISAS STREET, KEMAH, TEXAS 77565**

**TO THE HONORABLE JEFFREY P. NORMAN, U.S. BANKRUPTCY JUDGE:**

COMES NOW, RANDY W. WILLIAMS, CHAPTER 7 TRUSTEE (the “Trustee”), and makes this his Trustee’s Objection to Motion for Retroactive Relief from the Automatic Stay Regarding Real Property Located at 201 Las Brisas Street, Kemah, Texas 77565 as follows:

**I.**

**ADMISSIONS AND DENIALS**

1. Paragraph numbers 1 and 2 do not state allegations to be admitted or denied.
2. The Trustee admits the allegations contained in paragraph number 3 to the extent that the documents attached as exhibits speak for themselves, and the Trustee denies the remaining allegations.
3. The Trustee admits the allegations contained in paragraph number 4.
4. The Trustee has insufficient knowledge to admit or deny the allegations contained in paragraph number 5.
5. The Trustee admits the allegations contained in paragraph 6 that the property was set for foreclosure, that the property was deeded prior to foreclosure to the Debtor, and that the Debtor filed its Chapter 7 petition on May 2, 2022. The Trustee denies the remaining allegations.

6. The Trustee has insufficient knowledge to admit or deny the allegations contained in paragraph number 7.

7. The Trustee admits the allegations contained in paragraph number 8.

8. The Trustee has insufficient information to admit or deny the allegations contained in paragraph number 9.

9. The Trustee admits the allegations contained in paragraph number 10.

10. The Trustee admits the allegations contained in paragraph number 11.

11. The Trustee admits the allegation in paragraph number 12 that the Fifth Circuit has recognized bad faith filings, but denies the remaining allegations.

12. The Trustee denies the allegations contained in paragraph number 13.

13. The Trustee denies the allegations contained in paragraph number 14.

14. The Trustee denies the allegations contained in paragraph number 15.

15. The Trustee denies the allegations contained in paragraph number 16.

16. The Trustee denies the allegations contained in paragraph number 17.

17. The Trustee denies the allegations contained in paragraph number 18.

18. The Trustee denies the allegations contained in paragraph number 19.

19. The Trustee denies the allegations contained in paragraph number 20.

20. The foreclosure sale was a violation of the automatic stay and as a result the substitute trustee's deed is void. The property is estate property. The cannot avoid an interest in property of the estate by simply annulling the stay. This matter requires an adversary proceeding. Further, the Trustee needs additional time to investigate the matter to determine the estate's interest and any equity in the property.

WHEREFORE, PREMISES CONSIDERED, Randy W. Williams, Chapter 7 Trustee, prays that this Court deny the motion.

DATED: December 7, 2022

**THE PROBUS LAW FIRM**

By: /s/ Matthew B. Probus  
**MATTHEW B. PROBUS**  
State Bar No. 16341200  
Federal ID 10915  
[matthewprobus@theprobustlawfirm.com](mailto:matthewprobus@theprobustlawfirm.com)

10497 Town & Country Way, Suite 930  
Houston, Texas 77024  
(713) 258-2700 (Telephone)  
(713) 258-2701 (Facsimile)

*COUNSEL FOR RANDY WILLIAMS,  
CHAPTER 7 TRUSTEE*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on December 7, 2022, the undersigned conferred with counsel for movant to see if the motion could be resolved without Court determination. The parties were unable to resolve the matter.

/s/ Matthew Probus  
Matthew Probus

**CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2022 this instrument was served on the U.S. Trustee, the Debtor and Debtor's counsel, movant's counsel, joinder movant's counsel, parties requesting notice and all parties received notification through the Court's CM/ECF system.

/s/ Matthew Probus  
Matthew Probus